



**CIVILIAN PERSONNEL ADVISORY CENTER**  
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**EMPLOYEE/SUPERVISOR INFORMATION BULLETIN**

**#03-05 April 2005**

*This bulletin is designed to inform employees and supervisors of new civilian Human Resource issues and refresh their knowledge of existing policies and procedures. If you have topics you would like us to address, please contact your Human Resources Specialist.*

**TOPICS:**

**Notice of Family and Medical Leave Act Benefit**

**Elimination of the TSP Open Seasons: July 1, 2005**

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## **BENEFITS**

### **NOTICE OF FAMILY AND MEDICAL LEAVE ACT BENEFIT**

Under the **Family and Medical Leave Act (FMLA)** most federal employees are entitled to a total of up to 12 workweeks of **unpaid leave** (leave without pay) during any 12-month period for the following purposes:

- (1) Birth of employee's child and the care of such child;
- (2) Adoption or foster care placement of a child;
- (3) Care of a spouse, son, daughter, or parent who has a serious health condition;
- (4) A serious health condition of the employee that makes the employee unable to perform essential functions of their position.

Employees may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using such leave, for any unpaid leave under the FMLA. For sick leave purposes, family member is defined as:

- (1) Spouse, and parents thereof;
- (2) Children, including adopted children and spouses thereof;
- (3) Parents;
- (4) Brothers and sisters, and spouses thereof; and
- (5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Currently, sick leave regulations allow employees to use:

(1) 5 days (40-hours) of paid sick leave each leave year to care for a family member, or to make arrangements for or to attend the funeral of a family member regardless of their sick leave balance.

(2) An additional 8 days (64 hours) of sick leave (for a total of 13 days) for this purpose if the employee maintains a sick leave balance of 80-hours at all times.

(3) Up to 12 weeks of paid sick leave in a leave year to care for a family member with a "serious health condition".

**The entitlement to use sick leave for family care purposes is limited to a maximum of 12 weeks of sick leave each leave year.** If an employee has previously used 13 days of sick leave in a leave year for family care purposes, the 13 days must be subtracted from the 12-week entitlement. Likewise, if an employee has previously used 12 weeks of sick leave in a leave year to care for a family member with a serious health condition, he or she would not be entitled to an additional 13 days of sick leave for family care or bereavement purposes.

All leave is subject to supervisory approval. Contact your CPAC Human Resources Specialist if you have questions or to obtain additional information concerning the proper use of leave.

## **Elimination of the TSP Open Seasons: July 1, 2005**

Public Law 108-469, signed into law on December 21, 2004, eliminates the Thrift Savings Plan open seasons and the restrictions on contribution elections which are tied to open seasons. **The Federal Retirement Thrift Investment Board will implement this law on July 1, 2005.** Prior to the law taking effect there will be one more open season, April 15 through June 30, 2005. This means that participants may file contribution elections with their agencies or uniformed services at any time beginning April 15, 2005. Through June 30, these elections will be processed under the current rules. Beginning July 1, contribution elections will be processed under the new rules — that is, the elections must be made effective no later than the first full pay period after they are filed.

After July 1, 2005 changes to contributions will continue to be made through the ABC-C website, and as always, contributions will be deducted from pay and reported to the Thrift Savings Plan each pay period.

The law does not affect the waiting period that new employees covered by the Federal Employees' Retirement System must serve before they become eligible for agency contributions to their accounts. In addition, the law does not affect contribution allocations or inter-fund transfers, which can be made at any time by using the TSP website ([www.tsp.gov](http://www.tsp.gov)) or the Thrift-Line (1-877-968-3778).

## **Social Security Rates Change for Federal Employees Retirement System (FERS)**

The Social Security maximum wage base, on which the 6.2 percent "FICA" tax is based, rose to \$90,000 this year. The FICA tax is not deducted for earnings above \$90,000. There is no limit on the 1.45 percent Medicare tax paid by both FERS and CSRS employees. There was also an increase in the earning limits for employees who retire under FERS this year. They may earn up to \$1000 per month, without reduction in the Social Security benefits, beginning the month they become eligible and apply for benefits

## **TSP - Four of Five Funds Favorable**

The Thrift Savings Plan's bond (F) fund suffered a 0.57 percent drop in February but returns for the other four funds were positive, led by a 4.34 percent gain for the international stock (I) fund, followed by the large U.S. company stock (C) fund, up 2.06 percent, the small and mid-sized company stock (S) fund, up 2.04 percent, and the government securities (G) fund, up 0.37 percent. On a 12-month basis, the I fund is leading, with an 18.64 percent gain, followed by the S fund, 10.42 percent, C fund, 6.99

percent, G fund, 4.36 percent, and F fund, 2.36 percent. (Taken from FEDweek Wednesday, March 09, 2005 edition).

## **PAY & LEAVE**

### **Fair Labor Standards Act (FLSA) – Exempt or Non-Exempt**

The duties of a position determine whether an employee is covered (Non-Exempt) by the FLSA or Exempt from the provisions of the FLSA. Positions are determined Exempt if the duties meet the Executive, Administrative or Professional Criteria outlined in 5 CFR 551. An employee's FLSA status is reflected on the SF 50, Notification of Personnel Action (Block 35), the official position description (top portion) and the employee's Leave and Earnings Statement (Block 10). This determination has a direct impact on an employee's overtime entitlements. For employees with rates of basic pay equal to or less than the rate of basic pay for GS-10, step 1, the overtime hourly rate is the employee's hourly rate of basic pay multiplied by 1.5.

Section 1121 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) amended the overtime pay cap provisions that apply to employees covered by 5 U.S.C. 5542(a)(2). The new overtime pay cap became effective on November 24, 2003. Under the amended 5 U.S.C. 5542(a)(2), for employees with rates of basic pay greater than the basic pay for GS-10, step 1, the overtime hourly rate is the greater of:

- (1) the hourly rate of basic pay for GS-10, step 1, multiplied by 1.5,
- or
- (2) the employee's hourly rate of basic pay.

Non-Exempt employees ordered or permitted to work overtime receive one and one-half times their current rate of pay for overtime worked.

## **MANAGEMENT & EMPLOYEE RELATIONS**

### **Required Performance Objectives For Supervisors**

The Total Army Personnel Evaluation System (TAPES) regulation requires that supervisors have at least one assigned objective covering Equal Employment Opportunity/Affirmative Action (EEO/AA) and at least one objective relating to Supervision/Leadership. This applies to all individuals performing the full range of supervisory duties, no matter the position title assigned in the classification process. For example, the title of a position may be Program Manager. In addition to managing the program the employee also performs the full range of supervisory duties. IAW classification procedures the title need not be changed to reflect supervisory duties because it is already included in the definition of the

Program Manager title. In other words, you can have a full fledged supervisory position without it having "Supervisory" in the title. This does not include Team Leader positions because they do not perform the full range of supervisory duties.

The following are examples of the types of activities supervisors/managers can pursue to respond to the challenges of Supervision/ Leadership & EEO/AA and perhaps serve as standards for the measurement of the required objectives:

Supervision/Leadership: Sets and communicates unit goals that reflect organizational goals. Implements/compiles with appropriate DA emphasis programs. Sets standard/leads by example. Takes timely/appropriate personnel actions. Recruits/retains quality force. Motivates, challenges and develops subordinates, through counseling on expectations, performance, and career goals; evaluates timely. Resolves conflict and maintains order.

EEO/AA: Applies EEO principles to all aspects of personnel management (e.g., hiring, training, work assignments/schedules, discipline, counseling and awards). As appropriate, takes immediate corrective action if sexual harassment or other discriminatory/unfair treatment is observed, reported or suspected. Provides leadership and emphasis to the execution of the Affirmative Employment Plan. Participates in EEO/AA activities and encourage subordinates to do so.

## **MISCELLANEOUS**

### **Adverse/Severe Weather**

When adverse weather threatens the area, employees should check several TV/Radio stations to confirm the status of the installation. There may be situations where the information provided by the media lacks specific instruction(s). In those cases, employees should use their chain of command to obtain clarification. The installation status is also posted on the installation web page <http://www.eustis.army.mil>. Guidelines and definitions of terms, such as Mission Essential Employees, Excused Absence and Liberal Leave, are available on the CPAC webpage at: [http://www.eustis.army.mil/cpac/\\_private/MISC/Operating\\_Status.htm](http://www.eustis.army.mil/cpac/_private/MISC/Operating_Status.htm).

### **Government Travel Charge Card:**

#### **For Official Travel Only**

The travel card program gives Army travelers the freedom and flexibility to perform government travel by using the card for hotels, meals, and miscellaneous expenses without having to obtain a travel advance or use personal funds. The card is for official government travel only. Misuse or Delinquent Payments may subject card holders to disciplinary, adverse, or other administrative action. If in doubt about the use of your travel card, ask your supervisor or travel card administrator.

### **Fraudulent Activity**

Employees, who detect fraudulent activity on their government travel card, should contact Bank of America immediately. If you detect any other suspicious activity or have reason to believe your personal information is being misused, you should contact local law enforcement officials. A cardholder who detects suspicious activity also should file a complaint with the FTC at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft) or at 1-877-ID-THEFT (438-4338). General information is available at [www.consumer.gov/idtheft/consumertopics\\_bk.html](http://www.consumer.gov/idtheft/consumertopics_bk.html) and [www.idtheftcenter.org/index.shtml](http://www.idtheftcenter.org/index.shtml).

***NOTE: This information is paraphrased from OSJA information paper written by Capt. Jeffrey Robertson***

### **ABC-C News**

Have you heard the ABC-C is going to provide services to separated employees? Beginning 1 April 2005, employees that are serviced by the Department of the Army can reach a benefits counselor for a period of six months from their separation date for assistance with benefits related issues. For further details, go to the following website: <http://www.eustis.army.mil/cpac/> and select ABC-C from the list of Topics then click on "ABC-C News".